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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,766	03/31/2004	David Marmaros	24207-10073	8903
62296	7590	03/13/2008		
GOOGLE / FENWICK SILICON VALLEY CENTER 801 CALIFORNIA ST. MOUNTAIN VIEW, CA 94041			EXAMINER	
			BATES, KEVIN T	
			ART UNIT	PAPER NUMBER
			2153	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/814,766	<b>Applicant(s)</b> MARMAROS ET AL.
	<b>Examiner</b> KEVIN BATES	<b>Art Unit</b> 2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 March 2004.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-65 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-65 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date 10-7-04,9-7-07

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

This Office Action is in response to a communication made on March 31, 2004.

The Information Disclosure Statements received October 7, 2004 and September 7, 2007 have been considered.

The Power of Attorney filed April 4, 2005 has been received.

Claims 1-65 are pending in this application.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 33-64 are rejected under 35 U.S.C. 101** because the claimed invention is directed to non-statutory subject matter.

Claims 33-64 are directed towards a computer-readable medium. In the specification on page 6, the computer readable media is described as both "any other medium from which a computer processor can read instructions" and "other transmission device or channel, both wired or wireless." First any media from which a processor can read instructions covers both statutory and non-statutory embodiments of computer readable medium, for example, program code printer on paper. Second transmission media is also not statutory.

#### ***Claim Objections***

Claims 14 and 46 are objected to because of the following informalities: The claims are missing a period. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen (2005/0057584) in view of Bengel (“Archiving and Indexing Chat Utterances”).**

Regarding claims 1 and 33, Gruen teaches a method, comprising:  
capturing a message event by compiling event data associated with at least one message (¶53);  
associating the message event with a conversation (¶55); and  
indexing at least some of the event data associated with the message event (¶51-52).

Gruen does not explicitly indicate that the message event is an instant messenger event.

Bengel teaches a system for indexing messages which includes Instant Messenger messages (Page 2, right column, 3<sup>rd</sup> paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 13 and 45**, Gruen teaches a method, comprising:  
identifying message activity associated with an message application on a client device (¶53);

identifying a message event associated with an instant messenger message and having event data (¶53); and

compiling the message event from at least some of the event data (¶51-52).

Gruen does not explicitly indicate that the message event is an instant messenger event.

Bengel teaches a system for indexing messages which includes Instant Messenger messages (Page 2, right column, 3<sup>rd</sup> full paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claim 65**, Gruen teaches a method, comprising:  
identifying a message network packet associated with a message application on a client device (¶53);

monitoring the message application to determine event data associated with an instant messenger message (¶53);  
compiling a message event from at least some of the event data (¶53);  
determining if an existing conversation relevant to the message event exists;  
associating the message event with an existing conversation if the existing conversation is determined to be relevant to the message event (¶49-51); and  
associating the message event with a new conversation if no existing conversation is determined to exist that is relevant to the message (¶49-51); and  
indexing and storing the message event (¶51-52).

**Regarding claims 2 and 34,** Gruen teaches the method of claims 1 and 33, further comprising: receiving a search query; and identifying the conversation as relevant to the search query (¶102-103).

**Regarding claims 3, 28, 35, and 60,** Gruen teaches the method of claims 1, 13, 33, and 45 wherein the event data comprises one or more of sender data, recipient data, a time associated with the event, a date associated with the event, and content from the instant messenger message associated with the event ¶51-52).

**Regarding claims 4 and 36,** Gruen teaches the method of claims 3 and 35, wherein indexing at least some of the event data comprises associating an event ID with the event and associating the event ID with at least some of the event data (¶50).

**Regarding claims 5 and 37,** Gruen teaches the method of claims 1 and 33, wherein the instant messenger event is captured on a client device (¶47).

**Regarding claims 6 and 38,** Gruen teaches the method of claims 1 and 33, wherein the instant messenger event is captured on a network device (¶47).

**Regarding claims 7 and 39,** Gruen teaches the method of claims 1 and 33, wherein capturing an instant messenger event comprises: identifying an activity associated with an instant messenger application on a client device (¶53); identifying the instant messenger event (¶53); and compiling the instant messenger event from at least some of the event data (¶51-52).

**Regarding claims 8, 23, 40, and 55,** Gruen teaches the method of claims 7, 13, 39, and 45, wherein compiling the instant messenger event is performed upon the sending or receipt of the instant messenger message (¶53).

**Regarding claims 9 24, 41, and 56,** Gruen teaches the method of claims 7, 13, 39, and 45.

Gruen does not explicitly indicate wherein compiling the instant messenger event is performed after a period of time.

Bengel teaches compiling the instant messenger event is performed after a period of time (Page 3, Right Column, 2nd full paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 10, 25, 42, and 57,** Gruen teaches the method of claims 9, 13, 33, and 45.

Gruen does not explicitly indicate wherein the period of time is predetermined.

Bengel teaches the period of time is predetermined (Page 3, Right Column, 2nd full paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 11, 26, 43, and 58,** Gruen teaches the method of claims 9, 13, 41, and 45.

Gruen does not explicitly indicate wherein the period of time is a period of inactivity on the instant messenger application.

Bengel teaches the period of time is a period of inactivity on the instant messenger application (Page 3, Right Column, 2nd full paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 12 and 44,** Gruen teaches the method of claims 1 and 33, wherein associating the instant messenger event with a conversation comprises: determining if an existing conversation relevant to the instant messenger event exists; associating the instant messenger event with an existing conversation if the existing conversation is determined to be relevant to the instant messenger event; and

associating the instant messenger event with a new conversation if no existing conversation is determined to exist that is relevant to the instant messenger event (¶49-51).

**Regarding claims 14 and 46**, Gruen teaches the method of claims 13 and 45, wherein identifying instant messenger activity comprises identifying instant messenger network activity (¶53).

**Regarding claims 15 and 47**, Gruen teaches the method of claims 14 and 46, wherein event data is also determined from the instant messenger network activity (¶53).

**Regarding claims 16 and 48**, Gruen teaches the method of claims 13 and 45. Gruen does not explicitly indicate wherein identifying instant messenger activity comprises identifying a user interface change associated with an instant messenger application.

Bengel teaches a system for identifying instant messenger activity comprises identifying a user interface change associated with an instant messenger application (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 17 and 49**, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying instant messenger activity comprises determining that the instant messenger application is active.

Bengel teaches identifying instant messenger activity comprises determining that the instant messenger application is active (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 18 and 50,** Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises monitoring the instant messenger application for an ongoing period of time.

Bengel teaches identifying the instant messenger event comprises monitoring the instant messenger application for an ongoing period of time (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 19 and 51,** Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises analyzing a current state of the instant messenger application to identify the instant messenger event.

Bengel teaches wherein identifying the instant messenger event comprises analyzing a current state of the instant messenger application to identify the instant messenger event (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 20 and 52,** Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises identifying a display area associated with the instant messenger application and determining the content of the display area.

Bengel teaches identifying the instant messenger event comprises identifying a display area associated with the instant messenger application and determining the content of the display area (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 21 and 53,** Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises one or more of monitoring operating system calls made by the instant messenger application to display text, hooking into the instant messenger application's notification application program interface, and directly querying the instant messenger application.

Bengel teaches identifying the instant messenger event comprises one or more of monitoring operating system calls made by the instant messenger application to display text, hooking into the instant messenger application's notification application program interface, and directly querying the instant messenger application (Page 2, right column, 1st full paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 22 and 54,** Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises extracting text from a display area associated with the instant messenger application.

Bengel teaches wherein identifying the instant messenger event comprises extracting text from a display area associated with the instant messenger application ((Page 2, right column, 1st and 2nd full paragraphs)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 27 and 59,** Gruen teaches the method of claims 13 and 45, further comprising associating the instant messenger event with a conversation (¶55).

**Regarding claims 29 and 61,** Gruen teaches the method of claims 13 and 45, wherein event data comprises a conversation ID (¶55).

**Regarding claims 30 and 62,** Gruen teaches the method of claims 27 and 59, wherein associating the instant messenger event with a conversation comprises: determining if an existing conversation relevant to the instant messenger event exists; associating the instant messenger event with an existing conversation if the existing conversation is determined to be relevant to the instant messenger event; and associating the instant messenger event with a new conversation if no existing conversation is determined to exist that is relevant to the instant messenger event (¶49-51).

**Regarding claims 31 and 63,** Gruen teaches the method of claims 30 and 62, wherein determining if an existing conversation exists is based at least in part on participants in the message and a time the message was received or sent (¶48-49; 51).

**Regarding claims 32 and 64,** Gruen teaches the method of claims 30 and 62, further comprising determining a title associated with the conversation (¶53).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/

Primary Examiner, Art Unit 2153